

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VIRGINIA KURSCHINSKE,)
)
 Plaintiff,) Civil Action No. 06-87 Erie
)
 v.)
)
MEADVILLE FORGING COMPANY,)
)
 Defendant.)

MEMORANDUM OPINION AND ORDER

McLAUGHLIN, SEAN J., District Judge.

Presently pending before the Court is a “Motion for Reconsideration [pursuant to] Rule 59(e)” [ECF No. 110] filed by Plaintiff, Virginia Kurschinske (“Kurschinske”).¹ In the Court’s Memorandum Opinion of June 10, 2011, Kurschinske, who is proceeding *pro se*, was advised as follows:

Kurschinske’s entitlement to a portion of the attorney’s fees has been exhaustively litigated in this Court. Plaintiff is instructed that if she intends to litigate this issue, her appropriate remedy is to perfect a timely appeal to the United States Court of Appeals for the Third Circuit.

[ECF No. 109 p. 6 n.5]. Despite this previous admonition, Kurschinske remains unwilling to take “no” for an answer from this Court as evidenced by the instant motion.

The Court may grant a motion for reconsideration if the moving party shows: (1) an intervening change in the controlling law; (2) the availability of new evidence which was not available when the court issued its order; or (3) the need to correct a clear error of law or fact or to prevent a manifest injustice. Lazaridis v. Wehmer, 591 F.3d 666, 669 (3rd Cir. 2010); Max’s Seafood Café by Lou-Ann, Inc. v. Quinteros, 176 F.3d 669, 677 (3rd Cir. 1999).

¹ In point of fact, this is Kurschinske’s third motion requesting that I reconsider my previous Memorandum Opinions and Orders of January 19, 2011 [ECF No. 94] and June 10, 2011 [ECF No. 109], wherein I concluded that she was collaterally estopped from claiming entitlement to a Judgment in the amount of \$46,763.21 [ECF No. 63].

Having reviewed Kurschinske's most recent filing, I find no basis, under the above stated standard, to grant her requested relief. Consequently, her motion is denied. Once again, Kurschinske is advised that her *exclusive* remedy is to pursue a timely appeal with the United States Court of Appeals for the Third Circuit rather than to continue to file motions for reconsideration with this Court.

AND NOW, this 1st day of August, 2011, IT IS HEREBY ORDERED that the "Motion for Reconsideration [pursuant to] Rule 59(e)" [ECF No. 110] is DENIED.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record